

Gregg Schuster



First Selectman

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**Board of Selectmen Regular Meeting Minutes
Thursday, December 17, 2009
Colchester Town Hall
Meeting Room 1 – 7:00 p.m.**

MEMBERS PRESENT: First Selectman Gregg Schuster, Selectman Stan Soby, Selectman Greg Cordova, Selectman Rosemary Coyle, Selectman James Ford

MEMBERS ABSENT:

OTHERS PRESENT: Mike Caplet, Walter Cox, Linda Hodge, Katy Nally, Rob Tarlov, Dorothy Mrowka, Debra Marvin, Theodore Fuini, Stacey Brown, William Wagner, Ryan Blessing, Mark Decker, Greg LePage, Nancy Bray, Jack Faski, Anthony Camilleri, Glenn Morron, and other citizens.

1. **Call to Order:** First Selectman G. Schuster called the meeting to order at 7:00 p.m.
2. **Additions to the Agenda:** R. Coyle moved to add a new item #6e "Commission on Aging (alternate reappointment; for a new term to expire on 12/01/12): William Wagner (to be interviewed)", new item #6f "Planning & Zoning Commission (member reappointment; new term to expire on 12/01/12): Stacey Brown (to be interviewed), and a new item #15 "Discussion and Possible Action on Budget Freeze", and to renumber the remaining items accordingly, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
3. **Approve Minutes of the December 3, 2009 Board of Selectmen Public Hearing:** G. Cordova moved to approve the minutes of the December 3, 2009 Board of Selectmen Public Hearing as presented, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
4. **Approve Minutes of the December 3, 2009 Board of Selectmen Regular Meeting:** R. Coyle moved to approve the minutes of the December 3, 2009 Board of Selectmen Regular Meeting as presented, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
5. **Citizen's Comments:** None
6. **Boards and Commissions – Interviews and/or Possible Appointments and Resignations**
 - a. **Planning & Zoning Commission (member; filling vacancy left by James Ford for a term to expire on 12/01/11):** Linda Hodge (to be interviewed): The Board of Selectmen interviewed Linda Hodge.
 - b. **Commission on Aging (member reappointment; for a new term to expire on 12/01/12):** Jean Stawicki (to be interviewed): Jean Stawicki could not attend the meeting this evening. She will attend the next regular meeting.
 - c. **Open Space Advisory Board (member – Fish & Game Representative; filling vacancy left by Robert Misbach for a term to expire on 03/01/11):** Theodore Fuini (to be interviewed): The Board of Selectmen interviewed Theodore Fuini.

- d. **Ethics Commission (member; filling vacancy left by Robert Esteve for a term to expire on 07/01/12): Debra Marvin (to be interviewed):** The Board of Selectmen interviewed Debra Marvin.
 - e. **Commission on Aging (alternate reappointment; for a new term to expire on 12/01/12): William Wagner (to be interviewed):** The Board of Selectmen interviewed William Wagner. R. Coyle moved to reappoint William Wagner as an alternate to the Commission on Aging for a new term to expire on 12/01/12, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
 - f. **Planning & Zoning Commission (member reappointment; new term to expire on 12/01/12): Stacey Brown (to be interviewed):** The Board of Selectmen interviewed Stacey Brown. S. Soby moved to reappoint Stacey Brown as a member of the Planning & Zoning Commission for a new term to expire on 12/01/12, seconded by J. Ford. Unanimously approved. MOTION CARRIED.
 - g. **Colchester Retirement Board (member – Town Treasurer; filling vacancy left by Jon Sandberg for a term to expire on 01/01/12): Greg LePage, Town Treasurer:** R. Coyle moved to appoint Town Treasurer Greg LePage as a member of the Colchester Retirement Board for a term to expire on 01/01/12, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
 - h. **Housing Authority (member; filling vacancy left by Mary Tomasi for a term to expire on 05/01/12): Denise Salmoiraghi (interviewed on 12/03):** S. Soby moved to appoint Denise Salmoiraghi as a member of the Colchester Housing Authority, filling a vacancy left by Mary Tomasi for a term to expire on 05/01/12, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
 - i. **Housing Authority (member; filling vacancy left by Gerladine Desanto for a term to expire on 05/01/14): Lou Delpivo (interviewed on 12/03):** R. Coyle moved to appoint Lou Delpivo as the Tenant Commissioner and as a member of the Colchester Housing Authority, filling a vacancy left by Geraldine Desanto for a term to expire on 05/01/14, seconded by J. Ford. Unanimously approved. MOTION CARRIED.
 - j. **Ethics Commission (member; filling vacancy left by Robert Esteve for a term to expire on 07/01/12): Susan Mende (interviewed on 11/5):** The Board of Selectmen took no action.
7. **Budget Transfer:** None
 8. **Tax Refunds & Rebates:** After review, S. Soby moved to approve tax refunds in the amount of \$16.32 to MCC Construction Corp, \$10,431.14 to Camrac, Inc., \$25.35 to John Stawicki, \$20.24 to Karen Smith, \$1,781.08 to Bank North Group, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
 9. **Presentation to Former First Selectman Linda Hodge:** First Selectman G. Schuster presented a proclamation to former First Selectman Linda Hodge on behalf of the Board of Selectmen.
 10. **Presentation, Discussion, and Possible Action on Proposed DEP Streamflow Regulations (Mark Decker):** Mark Decker presented on the proposed DEP streamflow regulations. First Selectman G. Schuster will draft written testimony on behalf of the Board of Selectmen for approval at the next regular meeting.

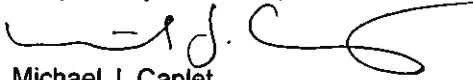
11. **Discussion and Possible Action on Proposed Employee Hiring and Dismissal Policy:** R. Coyle moved to approve the proposed employee hiring and dismissal policy as presented, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
12. **Discussion and Possible Action on Safety Commitment Policy Statement:** This item was tabled to the next meeting by unanimous consent.
13. **Discussion and Possible Action on Reappointment of Kevin Kelly as the Colchester Tree Warden:** S. Soby moved to reappoint Kevin Kelly as the Colchester Tree Warden, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
14. **Discussion and Possible Action on Youth Center Supervisor Position:** G. Cordova moved to approve the filling of an additional Youth Center Supervisor position, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
15. **Discussion and Possible Action on Budget Freeze:** First Selectman G. Schuster reported on the action taken at last evening's Board of Finance meeting. R. Coyle moved to approve a budget freeze on all discretionary items subject to the First Selectman's approval, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
16. **Citizen's Comments:** None
17. **First Selectman's Report:** First Selectman G. Schuster reported on the withdrawal of the police union's complaint against the town, the status of the signing of the new State Police Resident Trooper contract, an update on the new probate court district, an update on the state budget, and the bid waiver for the fire house heaters.
18. **Liaison Reports:** Selectman Soby reported on the Planning & Zoning Commission and the Police Commission. Selectman Coyle reported on the Commission on Aging, and the Colchester Hayward Volunteer Fire Department Officers' Meeting. Selectman Ford reported on the Conservation Commission and the Friends of Cragin Library. Selectman Cordova reported on the Sewer & Water Commission and the Parks & Recreation Commission.
19. **Executive Session to Discuss Police Commissioner Actions:** S. Soby moved to enter into executive session to discuss police commission actions and to invite Anthony Camilleri, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

The selectmen entered into executive session at 8:07 p.m. Anthony Camilleri left the executive session at 8:31 p.m. The Board of Selectmen came out of executive session at 8:35 p.m.
20. **Adjourn:** S. Soby moved to adjourn at 8:35 p.m., seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

Attachments

1. Memorandum dated 12/08/09, from Mark Decker to Gregg Schuster, regarding "Proposed DEP Streamflow Regulations"
2. Draft Document – Proposed Employee Hiring and Dismissal Policy

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. J. Caplet", with a long horizontal flourish extending to the right.

Michael J. Caplet
Executive Assistant to the First Selectman

Memo

To: Gregg Schuster
From: Mark Decker
CC: Colchester Sewer and Water Commission
Board of Selectmen
Board of Finance
Economic Development Commission
Colchester Business Association
Sen. Eileen Daily
Rep. Linda Orange
Date: 12/8/2009
Re: Proposed DEP Streamflow Regulations

I have spoken with many of you in the past, some formally others informally, about the proposed DEP Streamflow Regulations. Because we are getting closer to the Public Hearing date portion of the regulation adoption process, I am issuing this memorandum to all of you to provide brief information on the background, current conditions, potential future impact of the regulations, and what you can do to help. It is my desire to hold a meeting with representatives of all your respective groups to elaborate on each of these issues and answer any questions you may have. I would like to hold this meeting right after the holidays in early January.

Background:

Prior law adopted in 1973 set minimum flow standards for rivers and streams (1) where a dam or other structure impounds or diverts the flow and (2) that the State stocks with fish. Public Act 05-142 directed the Department of Environmental Protection to adopt new streamflow regulations that would apply to all rivers and streams, promote and protect usage for recreation, and be based on natural variations of flow and best available science.

The DEP and various stakeholders met consistently for more than two years attempting to compile information so regulations could be drafted that met the directives included in PA05-142. The resulting draft regulation was published in the Connecticut Law Journal on 13 October 2009 (copy of the 24 page document is available electronically upon request).

Current Conditions in Colchester:

The Town of Colchester water supply is approved through a Diversion Permit issued by the DEP on 23 January 2003. The Permit will expire on 20 December 2017. It is a fully ground water-based supply with permitted withdraw limits of 1,022,400 gallons per day based on

maximum day and 766,800 gallons per average day. Average day production is approximately 385,000 and max day approximately 600,000. Based on the current usage and permitted withdraws, the Town has adequate supply with factors of safety of nearly 2 and 1.7, respectively.

Potential Future Impact of the Proposed Regulations:

The Town of Colchester hopes to continue growing. This statement is based on comments made by residents at the recent Land Use Summit, at various Board and Commission meetings, and especially at the time of Budget presentations when there is frequently a call for more commercial development to broaden the Town tax base. The Town has moved forward with new zone designations for commercial and business park development and has obtained a STEAP grant to develop a plan for expansion of the sewer and water infrastructure to these new properties. Development of these and other properties will increase the daily demands on the Town's water supply, possibly to the point where factors of safety will approach unacceptable levels. Should this occur, additional supplies will be needed to support expected growth or to provide for additional growth opportunities.

Should the proposed regulations pass, the impact on Colchester will not be immediate. The regulations cannot supersede our current Permit status. However, at the time of Permit renewal, all regulations in place at that time will be taken into consideration. The proposed regulation would allow our current allocation to be reduced if it is determined an unacceptable impact on supplying and downgradient streams and rivers exists. Determination of this impact will be the financial burden of the Town as compared to a relatively simple permit reauthorization process.

Should the Town need additional supplies, any new ground water sources will be reviewed with the requirements of the new regulations in mind. The most likely scenario being reduced withdrawal opportunities compared to standards as they exist today. Boil that down to mean greater expense for less water supply.

Should the Town attempt to obtain water from a neighboring community (most likely Norwich) through a system interconnect, these regulations will likely restrict the available supply thereby limiting, or completely eliminating, Norwich as an option.

What Can You Do to Help:

While the intent of PA05-142 was for DEP to draft regulations that adequately balanced the many competing demands placed on water, it is clear the proposed regulations fail to balance environmental, public health, safety and economic interests and meet the needs of the residents of the State.

If you believe there is unacceptable risk associated with the proposed regulations, please attend the Public Hearing on 21 January 2010 at 9:00 a.m. at the DEP Offices, 79 Elm Street, in Hartford and testify, or submit written testimony. Letters outlining your concerns can also be issued to Governor Rell, State Senator Daily, and State Representative Orange. I can provide speaking points for the letters and testimony.

Gregg Schuster

First Selectman



Town of Colchester Proposed Employee Hiring and Dismissal Policy

1.0 Purpose

1.1 **The Town of Colchester Charter, Article IV The Board of Selectmen, § C-402, C.** "The appointment and dismissal of all Town employees shall be administered by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government."

1.2 **The Town of Colchester Charter, Article XIII Town Employees and Appointed Officials, § C-1301.** "The appointment and dismissal of all Town employees, except those who are elected or are under the jurisdiction of the Board of Police Commissioners, shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or dismissal of any Town employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered."

1.3 The purpose of this policy is to specify the Board of Selectmen's delegation of authority for the hiring and dismissal of Town employees and joint Town/Board of Education (BOE) employees as it pertains to the language of the Town of Colchester charter noted in sections 1.1 and 1.2 of this policy.

2.0 Town Employee Hiring and Dismissal

2.1 The First Selectman shall hire and dismiss employees of the town, except employees whose employment is otherwise provided by law, and except department heads (Appendix A).

- 2.2 The Board of Selectmen shall be given notice of all full-time and part-time employees who are hired or dismissed by the First Selectman at the next Board of Selectmen meeting immediately following the hiring or dismissal. This notification requirement to the Board of Selectmen shall not apply to per-diem or temporary/seasonal employee hiring or dismissal actions.
- 2.3 At its next meeting following such hiring or dismissal notification to an employee, the Board of Selectmen, by a majority vote, may request a review of the decision to hire or dismiss and make a recommendation to the First Selectman.
- 2.4 The authority to hire and dismiss department heads and employees whose employment is otherwise provided by law rests solely with the Board of Selectmen.

3.0 Joint Town/Board of Education Employee Hiring and Dismissal

- 3.1 Joint Town/Board of Education employees, including department heads serving as joint employees, may be hired or dismissed following the approval of the Board of Selectmen and Board of Education by majority vote or its designee. The Chief Financial Officer's hiring and dismissal shall be processed per the Town of Colchester Charter.

Appendix A – Department Heads

The following positions are identified as department heads for purposes of this policy as referenced in section 2.1:

Assessor

Building Official

CHVFD Chief

Cragin Memorial Library Director

Director of Health

Fleet Maintenance Supervisor

Public Works Director

Senior Center Director

Social Services Coordinator

Town Engineer

Town Planner/Planning Director

Youth Services Bureau Director